



**2023
BOROUGH OF DUMONT
ORDINANCE**

| MEMBERS | AYE | NAY | ABSTAIN | ABSENT |
|---------------|-----|-----|---------|--------|
| APONTE | ✓ | | | |
| HARVILLA | ✓ | | | |
| KELLY | ✓ | | | |
| MORRELL | ✓ | | | |
| RUSSELL | ✓ | | | |
| STEWART | ✓ | | | |
| MAYOR LaBRUNO | | | | |
| TOTALS | 6 | | | |

Ordinance No. 1623

Date: September 5, 2023

Page: 1 of 5

Subject: Covering of Dumpsters and Refuse Containers

Purpose: Amend Chapter 196 of Dumont Borough Code

Dollar Amount: _____

Prepared By: Jared Geist, Esq.

Offered by: Kelly
Seconded by: Morrell

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**AN ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN,
 STATE OF NEW JERSEY, AMENDING CHAPTER 196 OF THE BOROUGH CODE –
 COVERING OF DUMPSTERS AND REFUSE CONTAINERS**

Article I

Covering of Dumpsters and Refuse Containers

[Adopted 9-21-2010 by Ord. No. 1413]

§ 196-1 Purpose.

This article requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharging of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Dumont and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. This Ordinance is also intended to establish the permit fees for dumpsters to encourage the regulation of same and an escalating cost to maintain permits for them to encourage expeditious use of them and the prompt removal of these unsightly and often odorous containers.

§ 196-2 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the Borough of Dumont or other public body and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

REFUSE CONTAINER

Any waste container, commonly referred to as a dumpster, that a person controls, whether owned, leased or operated, including trash cans, garbage pails and plastic trash bags.

SHORT-TERM DUMPSTER

A dumpster placed onsite for a period not to exceed thirty (30) days and intended to accommodate the disposal of debris created by common renovations, including, but not limited to kitchen, bathroom, roof, siding and basement improvements and upgrades.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 196-3 Covering of containers and prevention of leaks and discharges required.

- A. Any person who controls, whether owned, leased or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Dumont.
- C. Every day after the initial citation for violation of this section may be considered a separate violation, in the discretion of the Municipal Prosecutor and Municipal Court Judge.

§ 196-4 Exceptions.

The following are exceptions to the prohibitions set forth in this article:

- A. Litter receptacles (other than dumpsters or other bulk containers).
- B. Individual homeowner trash and recycling containers.
- C. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- D. Large, bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 196-5 Enforcement.

This article shall be enforced by the Dumont Police Department and/or Superintendent of Public Works and/or Zoning Officer and/or Assistant Zoning Officer and/or Construction Official of the Borough of Dumont. The Construction Official shall create such forms as are necessary to document the issuance of permits under this section, the dates of issuance, expiration, fees collected and such other information as deemed necessary.

§196-6 Fees

- A. The dumpster permit fee shall be one hundred (\$100.00) dollars and will be valid for one year. Subsequent permit fees shall be five hundred dollars (\$500) and valid for six months. The fee for any portion of the next two succeeding six-month periods shall be five hundred dollars (\$500.00). The fee for any portion of the next six-month period and

any portion of a subsequent six-month period shall be one thousand dollars (\$1,000.00). The fee shall be paid for each dumpster present on the site. Dumpsters may be exchanged for empty replacements when removed after being filled for no additional fee except as set forth below.

- B. These fees shall be paid by the person requesting the dumpster and to be placed on the property prior to the issuance of a dumpster permit.
- C. For small projects in which a dumpster is not needed for an extended period of time Short Term Dumpster Permit will be issued, subject to all of the provisions of this Chapter for a period of up to thirty (30) days. The permit fee for a Short-Term Dumpster shall be twenty-five dollars (\$25.00). If a Short-Term Dumpster remains on the property for more than fourteen (30) days it shall convert to an ordinary Dumpster and the fees set forth in subsection A of 196-6 shall be paid and collected with no credit for the \$25.00 fee initially paid.
- E. The owner of the property where the dumpster is placed shall bear responsibility for the payment of the fee.

§ 196-6 Violations and penalties.

The failure to pay the fee or have a current permit in place shall subject the owner of the Property and any other persons adjudged guilty to imposition of a fine of \$100.00 to \$250.00 for a first offense; \$250.00 to \$500.00 for a second offense; and \$500.00 to \$5,000.00 for a third or subsequent offense.

§ 196-7 Obligation to Repair Damage

Any person or entity applying for and receiving a permit hereunder shall cause to be repaired any damage to the public roadway, curbs, side-walks or utilities to the specifications of the Borough of Dumont or the utility company that is damaged. If said repairs are not made within 30 days of notice, the Borough of Dumont may make such repairs and pay for same out of the municipal funds available for that purpose. The cost of such work shall be certified by the department or person having charge thereof to the person or department having charge of the collection of assessments in the Borough and upon the filing of said certificate the amount of the cost of such work shall be and become a lien upon the property for which the permit was issued and said sum shall be collected in the manner provided by law for the collection of such other assessments, and shall bear interest at the same rate in addition thereto; the Borough may commence an action to recover the said amount against the owner of said lands, and in any court having competent jurisdiction thereof a certified copy of the aforesaid certificate shall in such action be prima facie evidence of the existence of a debt due from the said owner to the municipality

§ 196-8 Dumpster in Public Right of Way or Public Property

A. Dumpsters, waste and refuse containers proposed to be placed on public property shall be subject to the fees set forth above and governed by N.J.S.A. 27:5I-1 which is incorporated herein in its entirety as set forth below:

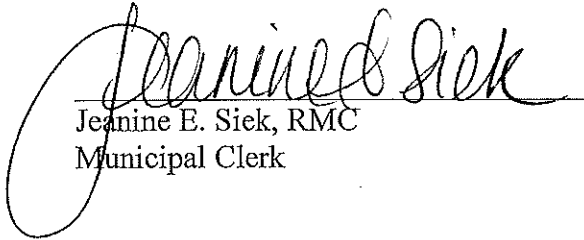
a. No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpster or roll-off container, on or along any highway or public property, without the written consent of the appropriate municipal, county, or State authority having jurisdiction over the highway or public property. Consent shall be valid and remain in effect for a period of not more than 30 days, but may be renewed by the appropriate official upon application therefor.

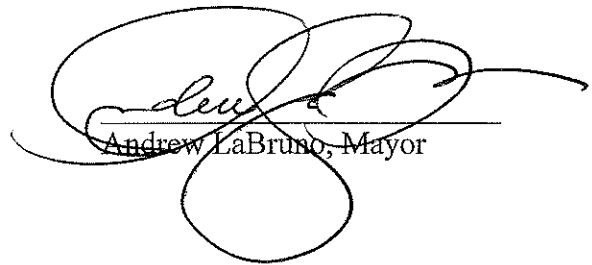
To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any roll-off dumpster or roll-off container parked on or along any highway shall be equipped with and display markers consisting of all yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway.

b. A person who is convicted of a violation of this section shall pay a fine of not more than \$100.00 for each violation. In default of the payment of a fine, imprisonment in the county jail for a period of not more than 90 days may be imposed. The fine shall be paid over to the board or body charged with the maintenance of the road or highway upon which the violation occurs.

The Borough of Dumont designates to the Police Chief, or his/her designee, the authority to consent to such placement on behalf of the Borough of Dumont.

ATTEST:


Jeanine E. Siek, RMC
Municipal Clerk


Andrew LaBruno, Mayor

Introduced: August 8, 2023
Adopted: September 5, 2023